

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:10cv275-02-MU**

**DANITA MITCHELL,** )  
 )  
 **Petitioner,<sup>1</sup>** )  
 )  
 **v.** )  
 )  
 **DEAN LOVEN, Private Attorney, et al,** )  
 )  
 **Respondents.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before this Court upon Petitioner’s document captioned as a Motion to Reconsider Habeas Corpus. (Doc. No. 4).

The record reflects that on June 16, 2010, Petitioner filed a Petition seeking relief under 28 U.S.C. § 2254. (Doc. No. 1). After considering the matters set forth therein, and without requiring a response from any Respondent, on June 29, 2010, the Court entered an Order concluding that the claims in the Petition were unexhausted. (Doc. No. 2). Furthermore, such Order dismissed the subject Petition without prejudice to Petitioner’s right to timely re-file it after she exhausts her State judicial remedies. (Doc. No. 2).

On October 20, 2010, Petitioner filed the instant Motion to Reconsider merely contending that Defendants committed fraud by altering a legal document; and that she did not waive her Sixth Amendment right to counsel. (Doc. No. 4). However, inasmuch as such assertions do not warrant reconsideration of the Court’s earlier Order of dismissal, this Motion will be denied.

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<sup>1</sup> Although she now refers to herself as the “Defendant” in this pleading, inasmuch as her original pleading was construed under 28 U.S.C. § 2254, the Court will refer to Ms. Mitchell as the “Petitioner” and her opponents as the “Respondents.”

**IT IS, THEREFORE, ORDERED** that Petitioner's Motion to Reconsider (Doc. No. 4)  
is **DENIED**.

**SO ORDERED.**

Signed: May 31, 2011

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

